



Paper No. 7

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JUL 11 2002

In re Application of	)	
HAYASHI et al.	)	
Application No. 09/705,247	)	DECISION ON PETITION TO
Filed: November 2, 2000	)	WITHDRAW THE HOLDING
For: FLEXIBLE CONNECTOR INTEGRALLY	)	OF ABANDONMENT
HAVING TRANSMISSION LINE	)	

This is a decision on the petition filed on February 4, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**

A non-final Office action was mailed on March 26, 2001 setting a three-month shortened statutory period for response. In the apparent absence of a response, the application was held abandoned, and a Notice of Abandonment was mailed on November 6, 2001.

Petitioner indicates that an amendment responsive to the Office action was deposited with a certificate of mailing dated September 26, 2001. The petition includes a copy of an amendment dated September 26, 2001, and a copy of a return postcard which acknowledges receipt of an amendment by the Patent and Trademark Office on October 1, 2001.<sup>1</sup> The petition includes a copy of a petition for a three-month extension of time, along with a copy of a check for \$890.<sup>2</sup>

The response to the Office action is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely received in the PTO but lost after receipt thereof.

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<sup>1</sup>Both the amendment and postcard receipt have an incorrect application number, namely, 09/704,247. This is deemed a minor error in the identification of the application in view of other identifying indicia provided.

<sup>2</sup>An inspection of the fee history for Application No. 09/704,247 indicates that a check for \$890 along with a \$30 fee charged to petitioner's deposit account were credited to the application. These fees were apparently intended for the present application and will be credited to the present application.

For the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The copy of the response submitted on February 4, 2002, is accepted.

The application file is being forwarded to the technical support staff for Technology Center 2800 for processing of the response submitted on February 4, 2002.

A handwritten signature in black ink, appearing to read 'Hien H. Phan', is written over a horizontal line.

Hien H. Phan, Special Program Examiner  
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HP/jc